

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Russell A. Bishop,

Plaintiff,

v.

Case No. 07-14259

DISTRICT JUDGE MARIANNE BATANNI

MAGISTRATE JUDGE STEVEN D. PEPE

Sheriff Mark A. Hackel et al.,

Defendants.

ORDER GRANTING PLAINTIFF BISHOP 'S MOTION TO COMPEL (DKT. #39)

Plaintiff, Russell Bishop, alleges in his December 13, 2007, Amended Complaint that Defendants failed to protect him from sexual assaults, physical abuse, and harassment by Plaintiff's cellmate at Macomb County Jail (Dkt. # 20). Plaintiff complains that Defendants acted pursuant to a policy and custom of the Macomb County Sheriff's office. He seeks compensatory and punitive damages pursuant to 28 U.S.C. § 1983.

On November 7, 2008, Plaintiff filed his Motion to Compel Responses to Plaintiff's Insurance Interrogatories and Requests for Production, Plaintiff's Second Request for Production, and Plaintiff's Third Request for Production of Documents (Dkt. # 39). This motion was referred on November 11, 2008, for hearing and determination (Dkt. #41). For the reasons stated below, Plaintiff's motion to compel is **GRANTED**.

At a hearing held on January 13, 2009, before this Court, Defendants have produced most of the requested materials, including responses to the Insurance Interrogatories and Requests to Produce, and responses to most of Plaintiff's Second and Third Requests for Production. Defendants have yet to produce signed responses to Plaintiff's Second Request for Production of

Documents. Specifically, regarding Request No. 4 seeking employment files for the defendants, defense counsel noted that there were no employment records involving complaints or other matters similar to the claims in this case nor any employment records of defendants reflecting adversely on their honesty or their truthfulness. Defendants have also not produced jail logs for the first several weeks of December 2004 in response to Request Nos. 1, 6, 8, 9 and 13 in Plaintiff's Third Request for Production of Documents. Defendants' counsel has indicated that the December 2004 jail logs are missing and he is attempting to locate them.

Accordingly, it is ordered that signed responses to Plaintiff's Second Request for Production of Documents be produced by January 20, 2009 and the jail logs for the early weeks of December 2004 be produced by January 30, 2009.

The parties to this action may object to and seek review of this Order, within ten (10) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(2). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge.

SO ORDERED.

s/Steven D. Pepe
United States Magistrate Judge

Dated: January 14, 2009

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on January 14, 2009.

S/V. Sims
Case Manager